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10/598,387

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Alexandre Naressi

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EXAMINER

LANE, GREGORY A

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,387	<b>Applicant(s)</b> NARESSI ET AL.	
	<b>Examiner</b> GREGORY LANE	<b>Art Unit</b> 2438	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/25/06</u> .                                                 | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

Claims 1-14 pending

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1.) Claims 1 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by US 20040008209, Adams.

In regards to claim 1, Adams taught an audio and/or video media content providing device(see Adams, Abstract, lines 1-3, where a multimedia photograph album contains audio data) comprising:  
at least one controller operatively responsive to RFID tag based information obtained from a remote RFID enabled media object and operative to facilitate access to media content associated with a stored periodically changing media content list(see Adams, para. 0138, lines 8-22, where the RFID tag can be used for transmitting data to and from a data storage device).

In regards to claim 10, Adams taught a method for providing digital audio and/or video media content comprising:  
receiving RFID tag based information obtained from a remote RFID enabled media

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object(see Adams, para. 0138, lines 8-22, where the RFID tag can be used for transmitting data to and from a data storage device); and facilitating access to media content associated with a stored periodically changing media content list(see Adams, para. 0138, lines 17-22, where data is wirelessly downloaded using the RFID tag device).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.) Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20030206107, Goff, and in further view of US 20030001016, Fraier

In regards to claim 2, Adams taught the audio and/or video media content providing device of claim 1. Adams did not teach including memory containing the stored periodically changing media content list and wherein the RFID tag based information includes content identification information stored on an RFID tag located on the remote RFID enabled object. However, Goff taught including memory containing the stored periodically changing media content list and wherein the RFID tag based

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information includes content identification information stored on an RFID tag located on the remote RFID enabled object **(see Goff, para. 0040, where the identification number is used to identify the item [e.g. audio tape, video tape])** .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Adams with the teaching of Goff because a user would have been motivated to use RFID technology in libraries to more efficiently deter unauthorized usage removal of objects**(see Goff, para. 0003)**

The combination of Adams and Goff did not teach wherein the stored periodically changing media content list comprises a mapping table that maps static content identification information with varying media identification information. However, Fraier taught wherein the stored periodically changing media content list comprises a mapping table that maps static content identification information with varying media identification information. **(see US 20030001016, Fraier, para. 0016, where the identification code maps the multimedia database content)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of the combination of Adams and Goff with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content**(see Fraier, para. 0003)**

In regards to claim 8, Adams taught a digital audio and/or video playing system comprising:

an RFID enabled media object having an RFID tag coupled thereto**(see Adams, para.**

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**0138, lines 8-22, where the RFID tag can be used for transmitting data to and from a data storage device).** Adams did not teach a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag. However, Goff taught a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag **(see Goff, para. 0040, where the identification number is used to identify the item [e.g. audio tape, video tape]);**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Adams with the teaching of Goff because a user would have been motivated to use RFID technology in libraries to more efficiently deter unauthorized usage removal of objects **(see Goff, para. 0003)**

The combination of Adams and Goff did not teach a controller operatively responsive to read RFID tag based information obtained by the digital audio and/or video media playing device and operative to facilitate access to media content associated with a periodically changing media content list, and wherein the digital audio and/or video media playing device is operative to play audio and/or video retrieved based on the periodically changing media content list. However, Fraier taught a controller operatively responsive to read RFID tag based information obtained by the digital audio and/or video media playing device and operative to facilitate access to media content associated with a periodically changing media content list, and wherein the digital audio and/or video media playing device is operative to play audio and/or

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video retrieved based on the periodically changing media content list(see Fraier, **Abstract and para. 0075, where the token sends identification information to a code reader and wherein a play unit, in support of the code reader device, is configurable to play the contents associated with the identification number and wherein an RFID tag is attached to the token).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of the combination of Adams and Goff with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(see Fraier, **para. 0003)**

3.) Claims 3-5, 7, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20030001016, Fraier

In regards to claim 3, Adams taught the audio and/or video media content providing device of claim 1. Adams did not teach wherein the controller selects the periodically changing media content list based on a determined geographic location of a media playing unit. However, Fraier taught wherein the controller selects the periodically changing media content list based on a determined geographic location of a media playing unit (**see Fraier, para. 0102, lines 9-18, where the multimedia content access is limited to individuals from a specific geographic location).**

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(see Fraier, para. 0003)

In regards to claim 4, Adams taught the audio and/or video media content providing device of claim 1. Adams did not teach wherein the stored periodically changing media content list includes data representing at least one of: a predetermined number of variable downloadable movies, a predetermined number of variable downloadable songs and a predetermined number of variable downloadable music albums. However, Fraier taught wherein the stored periodically changing media content list includes data representing at least one of: a predetermined number of variable downloadable movies, a predetermined number of variable downloadable songs and a predetermined number of variable downloadable music albums **(see Fraier, para. 0018, where the identification code, associated with a token, identifies a fixed quantity of specific multimedia content[e.g. audio/visual data])**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(see Fraier, para. 0003)

In regards to claim 5, Adams taught the audio and/or video media content



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providing device of claim 1 wherein the controller includes a user interface operative to allow periodic changing of the media content list. Adams did not teach the audio and/or video media content providing device of claim 1 wherein the controller includes a user interface operative to allow periodic changing of the media content list. **However**, Fraier taught the audio and/or video media content providing device of claim 1 wherein the controller includes a user interface operative to allow periodic changing of the media content list **(see Fraier, para. 0037, where a content provider may consist of set top box for a TV wherein TV content may be modified)**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content **(see Fraier, para. 0003)**

In regards to claim 7, Adams taught the audio and/or video media content providing device of claim 1. Adams did not teach wherein the controller is operative to send media identification information represented in the stored periodically changing media content list, for a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag and that is operative to play media obtained based on the sent media identification information. However, Fraier taught wherein the controller is operative to send media identification information represented in the stored periodically changing media content list, for a trusted digital audio and/or video media playing

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device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag and that is operative to play media obtained based on the sent media identification information. **(see Fraier, Abstract and para. 0075, where the token sends identification information to a code reader and wherein a play unit, in support of the code reader device, is configurable to play the contents associated with the identification number and wherein an RFID tag is attached to the token)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content **(see Fraier, para. 0003)**

In regards to claim 11, Adams taught the method of claim 10. Adams did not teach including selecting the periodically changing media content list based on a determined geographic location of a media playing unit. However, Fraier taught including selecting the periodically changing media content list based on a determined geographic location of a media playing unit **(see Fraier, para. 0102, lines 9-18, where the multimedia content access is limited to individuals from a specific geographic location).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of

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Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 12, the combination of Adams and Fraier taught the method of claim 11 wherein the stored periodically changing media content list includes data representing at least one of: a predetermined number of variable downloadable movies, a predetermined number of variable downloadable songs and a predetermined number of variable downloadable music albums(**see Fraier, para. 0018, where the identification code, associated with a token, identifies a fixed quantity of specific multimedia content[e.g. audio/visual data]**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 13, the combination of Adams and Fraier taught the method of claim 11 comprising periodically changing the media content list in response to user input from a user interface(**see Fraier, para. 0037, where a content provider may consist of set top box for a TV wherein TV content may be modified**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of

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Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

In regards to claim 14, the combination of Adams and Fraier taught the method of claim 11 comprising sending media identification information represented in the stored periodically changing media content list, for a trusted digital audio and/or video media playing device having a radio frequency identification tag reader operatively coupled therewith to read RFID tag information from the RFID tag and that is operative to play media obtained based on the sent media identification information(**see Fraier, Abstract and para. 0075, where the token sends identification information to a code reader and wherein a play unit, in support of the code reader device, is configurable to play the contents associated with the identification number and wherein an RFID tag is attached to the token**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of Adams with the teaching of Fraier because a user would have been motivated by the method for accessing multimedia content(**see Fraier, para. 0003**)

4.) Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20030206107, Goff

In regards to claim 6, Adams taught the audio and/or video media content

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providing device of claim 1. Adams did not teach . wherein the remote RFID enabled media object includes at least one of: an RFID enabled ticket, an RFID enabled card and an RFID enabled 3-D object. However, Goff taught wherein the remote RFID enabled media object includes at least one of: an RFID enabled ticket, an RFID enabled card and an RFID enabled 3-D object **(see Goff, para. 0009, where the RFID tag is used with library material[i.e. 3-D object])**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Adams with the teaching of Goff because a user would have been motivated to use RFID technology in libraries to more efficiently deter unauthorized usage removal of objects**(see Goff, para. 0003)**

5.) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040008209, Adams in view of US 20030206107, Goff, and in further view of US 20030001016, Fraier, and further in view of US 20050162277, Teplitxky

In regards to claim 9, the combination of Adams, Goff, and Fraier taught the system of claim 8. The combination of Adams, Goff, and Fraier did not teach further comprising a media content server that provides encrypted media content identified by the periodically changing media content list for the trusted digital audio and/or video media playing device and wherein the controller provides digital rights management services. However, Teplitxky taught further comprising a media content server that provides encrypted media content identified by the periodically changing media content

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list for the trusted digital audio and/or video media playing device and wherein the controller provides digital rights management services(see **US 20050162277, Teplitxky, para. 0028, where the RFID data is secured by encrypting the data[e.g. audio/video media])**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modified-teaching of the combination of Adams, Goff, and Fraier with the teaching of Teplitxky because a user would have been motivated by the desire to provide protection against product counterfeiting.(see **Teplitxky, para. 0002)**

## **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY LANE whose telephone number is (571)270-7469. The examiner can normally be reached on 571 273 07469 from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani, can be reached on 571 272 3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/GREGORY LANE/ Examiner, Art Unit 2438**

/Minh Dieu Nguyen/

Primary Examiner, Art Unit 2438